

T

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE JOHNS HOPKINS UNIVERSITY, a	:	Case No. 94-105 RRM
Maryland corporation, BAXTER	:	
HEALTHCARE CORPORATION, a Delaware	:	
corporation, and BECTON DICKINSON	:	
AND COMPANY, a New Jersey corporation,	:	
	:	
Plaintiffs,	:	
	:	
	:	
v.	:	
	:	
	:	
CELLPRO, INC., a Delaware corporation,	:	
	:	
Defendant.	:	
	:	

DECLARATION OF DR. GORDON L. PHILLIPS

DECLARATION OF DR. GORDON L. PHILLIPS

I, Gordon L. Phillips, M.D., do hereby declare:

1. I am the Director of the Blood and Bone Marrow Transplant Program at the Markey Cancer Center and a Professor of Medicine at the University of Kentucky. A copy of my curriculum vitae is attached.

2. I am familiar with the CellPro CEPRATE® SC stem cell concentrator, and I have used that device for "purified" autologous stem cell transplantation following high dose chemotherapy treatment for lymphoma and myeloma. (I have also used the CEPRATE® SC device for an allogeneic transplant.) In the future I intend to use the CEPRATE® SC device in other high dose chemotherapy protocols with an emphasis on autologous transplants.

3. Compared to conventional protocols, use of the CEPRATE® SC device has the advantages of proven efficacy, reproducibility, and ease of use. The availability of an FDA approved product, such as the CEPRATE® SC device, makes it much easier to get experimental treatment protocols approved, as well as to recruit patients to undergo those treatments.

4. There is a compelling public interest in maintaining the availability of the CEPRATE® SC device in view of the emerging consensus that the transplant of inadequately purified stem cell suspensions are a cause of post-transplant failure. The CEPRATE® SC device significantly reduces the tumor volume reinfused

into the patient. Moreover, the CEPRATE® SC device is the only readily available product or method for achieving this goal.

I further declare subject to the penalty of perjury that the foregoing is true and correct.

Executed April 7, 1997 at Lexington, Kentucky.

Gordon L. Phillips
Gordon L. Phillips, M.D.

**Gordon L. Phillips
Director, BMT Program
University of Kentucky
Curriculum Vitae**

I. Biographical Data:

Home Address:

2112 Island Point
Lexington, KY 40502
(606) 268-6002

Office Address:

Markey Cancer Center, CC301
800 Rose Street
Lexington, KY 40536-0093
(606) 323-5768

S.S.N: 447-44-5838

Birth Date: 09-02-44

Marital Status: married

Children: two

II. Education:

A. Degrees:

1966 BA, University of Oklahoma
1971 MD, University of Oklahoma School of Medicine

B. Special Professional:

1971-1972	Internship, Internal Medicine, University of Oklahoma Medical Center, Oklahoma City, Oklahoma
1972-1974	Residency, Internal Medicine, University of North Carolina School of Medicine, Chapel Hill, North Carolina
1974	American Board of Internal Medicine
1974-1975	Clinical Fellow, Hematology/Oncology, Washington University School of Medicine, St. Louis, Missouri
1975-1977	Research Fellow, Hematology/Oncology, Washington University School of Medicine, St. Louis, Missouri
1979	American Board of Medical Oncology